

RHODE ISLAND DEPARTMENT OF PUBLIC SAFETY

Municipal Police Training Academy

Community College of Rhode Island — Flanagan Campus

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Colonel Brendan P. Doherty Chief Anthony J. Silva

Commissioner, Department of Public Safety Executive Director

Superintendent, Rhode Island State Police Municipal Police Training Academy

Police Officers Commission on Standards & Training

Meeting Minutes

December 10, 2009

I. Call to order

Colonel Stephen M. McCartney called to order the regular meeting of the Police Officers Commission on Standards & Training (POST) at 10:07 a.m. on December 10, 2009 in RIMPA-Lincoln.

II. Roll call

Colonel McCartney asked Donna Lavalley to take a roll call. The following POST members were present: Stephen M. McCartney, Chief George L. Kelley, III, Chief Anthony Pesare, Mr. Robert Driscoll. Colonel McCartney noted that Lieutenant Wil Hill was sitting in for Colonel Brendan Doherty, RISP; therefore, the attendees are

considered a quorum. Also present were Chief Anthony J. Silva, Mr. Richard B. Woolley, Esq., Captain David Ricciarelli, Class Training Officer Donald Salvatore, and Donna Lavallee.

III. Approval of the minutes

Colonel McCartney asked for approval of the minutes from the last meeting dated August 27, 2009. Chief Kelley made a motion to accept the minutes; Chief Pesare and Mr. Driscoll seconded the motion. After no further discussion and all in favor (5-0), the motion carries and minutes were accepted.

IV. Update on current 113th Session, 2010-I recruit class

Chief Silva introduced the Class Training Officer Don Salvatore, Cranston P.D., who has been assigned here since Day One and for the first five weeks. Officer Salvatore gave a brief overview as to the population of the class and some of the instruction they have had to date. There have been no incidents to report to date.

V. Update on Class Training Officers (CTO's):

Chief Silva reported that there have been a total of 12 Class Training Officers over the past year and this program has been a complete success. It is great being able to put a street officer with the recruits. Narragansett P.D. will be sending two officers to cover the next 10 weeks of this class and he thinks he may have the first five weeks of the next class already covered. This program has been exceptional. Chief Silva welcomed Major Stephen Bannon, Major Kenneth Marandola and Legal Counsel Lisa Holley from the Rhode Island State Police as they have just entered the meeting.

VI. Collaboration of RIMPA & RWU on Republic of Georgia Ministry of

Justice:

Chief Silva stated that he had a recent conversation with his colleague – Director of Police Academy in Vermont as he was contacted by a government agency from the Library of Congress regarding the law enforcement from the Soviet Union going to an adversarial justice system like the United States. After several conversations with Judges, etc., we will collaborate with RWU for the training of these individuals who will be in the country with translators. RWU will handle all the training and it will be open to RI Officers. Colonel McCartney said he thinks this is a great opportunity.

VII. Report from Colonel Sullivan, Highway Safety Coordinator.

Colonel Sullivan could not attend today's meeting and has stated that he will send e-mails to all POST members updating on trainings, etc.

VIII. Discussion of relationship between RIPOST & RIDPS.

Lisa Holley, Legal Counsel for D.P.S. introduced herself and stated that Colonel Doherty sends his apologies for not being able to be present but he had another commitment. She stated that there has been a change in duties at the RISP where Major Kenneth Marandola is now the new DPS Liaison. Also, Lt. Wil Hill was appointed designee for the Colonel for today's meeting. Also, Lt. Hill has been assigned to RIMPA for the next four weeks beginning Monday to help with the curriculum.

Ms. Holley stated that many questions have arisen with the DPS and POST roles and responsibilities and she, at the request of Colonel

Doherty, is trying to clarify some of language, etc. She stated that she wanted to make it clear that the RISP are not trying to come in and grab the Police Academy under their thumb. It is merely the fact that DPS has liability over us and some areas are grey and need to be clarified.

Ms. Holley showed a Power Point presentation with the legislation of DPS, RISP, and the Commission on Standards and Training.

After the presentation, Capt. Ricciarelli stated that our medical standards were promulgated through the Secretary of State office.

Mr. Woolley stated that our Rules & Regulations are separate from the Standards. Chief Silva stated that when he was appointed Chair of the POST back in 1998, he reviewed all the legislature and spoke with Colonel Culhane who told him to proceed as it has been. Ms. Holley re-iterated that the issues are for liability purposes and the language must be clear stating the roles and responsibilities of everyone involved. Mr. Woolley commented on the vagueness of the Statute of appointments of employees under the provisions of State Law – he said it could be interpreted that Colonel Doherty has the final word on appointments but must take into consideration the role of the POST. The statutes are clearly muddy. Colonel McCartney reiterated Mr. Woolley’s sentiments as to the POST make their recommendations then forward them to Colonel Doherty. Major Bannon stated that’s how it was handled. Colonel McCartney stated that the POST will address personnel issues and give their recommendations to the Colonel. Mr. Driscoll stated that the legislation reads the POST will “appoint”, not recommend. Colonel

McCartney states that he understands but the verbiage needs to be cleaned up. In the past, before the creation of the D.P.S., the POST used to recommend an individual for a position, then send to D.O.A. Chief Kelley asked if the Colonel (Doherty) disapproved their recommendation, does it come back to the POST for review again? Mr. Driscoll stated that that happens on the Municipal level where a recommendation is disapproved. Chief Silva stated that it would be shameful if the Director of the Academy did not have open dialogue with the Superintendent as well as the POST Chair. This way, there should never be any problems because everyone would be on the same page.

IX. Appointment of Warwick Officer David DelBonis to the position of Basic Training Officer.

Colonel McCartney recused himself from this agenda item and turned the meeting over to Vice-Chair Chief Kelley due to the fact that Officer DelBonis is an employee of his at the Warwick P.D.

Director Silva stated that many months ago we wrote a grant to fund this B.T.O. position for 30 months. We advertised the position through ADIL. The interview committee was comprised of Lt. Hill of the RISP, Chief Anthony Pesare of Middletown PD, Captain Ricciarelli of the Academy and myself. As a result of the interviews, and after conference with Major Bannon, (Liaison) Officer David DelBonis of the Warwick Police Department was issued a Conditional Offer of Employment. A thorough background check was done and based on that, he is recommending Officer DelBonis to the position.

Chief Kelley voiced his concerns to the welfare of Officer DelBonis

and asked if he has retired already. He didn't want to put him in an adversarial predicament with recommending him, having him retire and then what if for some reason, the recommendation does not uphold. Chief Silva assured him that the conditional offer of employment directs him not to retire until a final offer is made.

Chief Pesare made a motion to appoint Officer David DelBonis to the position of Basic Training Officer at the Police Academy, subject to the approval of Colonel Doherty. Mr. Driscoll seconded the motion.

Chief Silva stated that we will prepare a letter with Chief Kelley's signature and send it to Colonel Doherty.

Chief Pesare stated that the POST has an obligation to stay within the statute and appoint him, not recommend him. Ms. Holley stated that ultimately, however, the Colonel has the final authority to sign the appointment paperwork. Chief Pesare agreed, stating that the POST has the authority to appoint, subject to the Colonel's approval, not recommend. Mr. Woolley suggested we not get bogged down in terminology. Major Bannon stated that you cannot have two entities make an appointment.

Chief Pesare then made a motion to amend his previous motion, changing it so that he is making a motion to recommend the appointment of Officer David DelBonis of the Warwick Police Department to the position of Basic Training Officer. Mr. Driscoll seconded the motion. With all in favor, 4-0, motion carries.

Under discussion, Chief Silva stated that as Director of the Police Academy and on behalf of the staff, he wanted to thank everyone at DPS and the POST for working together.

Colonel McCartney has now re-joined the meeting.

X. Discussion of recruit application process and addition of background investigations to the application process

- Minimum background criteria**

Chief Silva stated that the Police Departments conduct the background investigations on all hires. The POST made it a requirement a few years ago to send those background checks to Dr. Gallagher; however, we do not receive copies of that information. We should have that information here. He spoke with Dr. Gallagher last week and even though the background checks are being sent, there should be a standardized background outline. He would like the Commission to approve that when an application comes in to the Police Academy, a background check be accompanied, at a minimum, the checklist. Chief Kelley gave an example of an ex-officer entering the Academy fraudulently under another name.

Ms. Holley stated that the checklist is pretty much what RISP use. Also, there are ways of getting information from Family Court. Judge Jeremiah will, on a case by case matter, provide information if the applicant does not reveal a Family Court issue.

Mr. Driscoll made a motion to have the P.D.'s send the background checks to the Academy with their applications. This motion was seconded by Chief Pesare. With no objections and all in favor, 5-0, the motion carries.

Under discussion, Chief Silva added that we provided training on how to conduct background checks a few years ago and the outline was handed out; however, it is not being used by all PD's. Colonel

McCartney stated that if departments want a recruit in the Academy class and if they can't adhere to the standards, then the candidate will not be allowed in the class. Chief Silva stated we will notify all departments of this and we will conduct another training session here at the Academy to assist them.

X. Discussion on 48-28.2, Establishment of Standards

Director Silva stated that after the discussions with Major Bannon and Ms. Holley a few days ago, we are working on all items to ensure that all standards are done and promulgated.

XI. Old Business:

- 1. Request by Woonsocket, Johnston & Westerly PD's for extension of Tactical Team certification deadline.**
- 2. Approval of sick leave waiver for recruit officer Joseph Bolvin, CFPD.**

Chief Silva stated that Woonsocket, Johnston & Westerly PD's have requested an extension of the Tactical Team Certification requirement that expires on 12-31-9. They are each requesting an additional 90 days. He has contacted Inspector Chris Mathiesen who stated that these three agencies are very close to certification. They basically just need the final evaluation, there are no issues. He has also contacted the Trust and they have no concerns with this extension. Colonel McCartney stated for the record that upon approval, this would give them an extension to March 31, 2010.

Chief Kelley made a motion to accept the extension as requested and Mr. Driscoll and Chief Pesare seconded the motion. With all in favor 5-0, motion carries.

On the second item, the Director explained that in the last recruit Class 2009-III, Recruit Joseph Bolvin was diagnosed with the H1N1 virus and directed by his doctor to be quarantined for 5 days. Based upon our sick leave policy, he would have had to be removed from class. However, Colonel Moran requested approval by the POST for a waiver. Colonel McCartney stated that a special meeting was conducted when this occurred, there was a quorum present at the vote, so this requires no additional action.

XII. New Business:

No new business

XIII. Adjournment:

Mr. Driscoll made a motion to adjourn the meeting and Chief Kelley seconded the motion. The meeting was adjourned at 11:28 a.m.

Minutes submitted by: Donna M. Lavalley, Administrative Assistant